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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,606	10/20/2000	Robert O. Banker	A-6285	8447

5642 7590 07/21/2004

SCIENTIFIC-ATLANTA, INC.
INTELLECTUAL PROPERTY DEPARTMENT
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LAWRENCEVILLE, GA 30044

EXAMINER

VU, NGOC K

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 07/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/693,606

Applicant(s)

BANKER ET AL.

Examiner

Ngoc K. Vu

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al (US 5,850,218 A) in view of Yuen (US 5,898,919 A).

Regarding claims **1 and 14**, LaJoie discloses a method for providing a full service television system comprising:

receiving an input signal from a user to provide a television service, e.g., NVOD, VOD or music service (see col. 17, lines 30-42);

responsive to the input signal, identifying the television service currently being provided to the user and tuning to frequency of the service source (It should be noted that the television service is selected based on the identified television service and the frequency. For instance, channel 14 at a certain frequency is associated with NVOD service, channel 15 at a certain frequency is associated with VOD service...etc - see col. 16, lines 10-28).

LaJoie does not explicitly disclose providing a television menu including a television menu option. However, Yuen shows in figure 7 a television menu 402 including a television menu option 400. As shown in figure 8, the television menu option 1 is selected to be included in the television menu based on the identified television service, e.g., pay-per-view (see col. 13,

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lines 10-22 and figures 7-8). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of LaJoie by providing a television menu including a television menu option as taught by Yuen in order to allow the user to select a desired service from the available television menu option.

Regarding claims **5, 9, 19, 21 and 23**, LaJoie discloses a programmable television services client device (6 – see figure 1) that provide television control services (the set-top terminal 6 provides television control services such as NVOD service, VOD service or music service...etc – see col. 16, lines 12-28), said client device comprising:

memory (32) for storing data (see figure 3 and col. 13, lines 22-39); and

a processor (30) coupled to said memory that is configured to receive an input signal from a user, responsive to the input signal, identifying a television service or a type of television channel currently being provided to the user and tuning to frequency of the service source (It should be noted that the television service is selected based on the identified television service and the frequency. For instance, channel 14 at a certain frequency is associated with NVOD service, channel 15 at a certain frequency is associated with VOD service...etc - see figure 3; col. 13, lines 22-39 and col. 16, lines 10-28).

LaJoie does not explicitly disclose providing a television menu including a television menu option. However, Yuen shows in figure 7 a television menu 402 including a television menu option 400. As shown on figure 8, the television menu option 1 is selected to be included in the television menu based on the identified television service, e.g., pay-per-view (see col. 13, lines 10-22 and figures 7-8). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of LaJoie by providing a television menu including a television menu option as taught by Yuen in order to allow the user

to select a desired television service or a type of television channel from the available television menu option.

Regarding claims **2, 7, 12 and 16**, the combination teaching of LaJoie and Yuen further discloses that the service provided is identified by a set top terminal 6 (see LaJoie: col. 16, lines 16-19 and 29-31; col. 17, lines 30-32).

Regarding claims **3, 6, 11 and 17**, the combination teaching of LaJoie and Yuen further discloses that the service is identified by information, e.g., service table, stored in memory of set top terminal (see LaJoie: col. 12, lines 16-19 and 29-31; col. 17, lines 22-39).

Regarding claims **4, 8, 13 and 18**, the combination teaching of LaJoie and Yuen further discloses that a user input corresponds to a predetermined input signal, e.g., a user request channel 14 corresponding to a NVOD service, channel 15 corresponding to VOD service (see LaJoie: col. 16, lines 19-24; col. 17, lines 30-37).

Regarding claims **10, 15, 20, 22 and 24**, the combination teaching of LaJoie and Yuen further discloses the television service is a purchasable media presentation, e.g., NVOD, VOD, Pay Per View (see LaJoie: col. 16, lines 19-24; Yuen: see figure 7).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



VIVEK SRIVASTAVA
PRIMARY EXAMINER

NV
July 6, 2004